

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

BOB MCINTOSH, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 4:01CV65 RWS
)	
MONSANTO CO., et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

Once again I am forced to set another discovery hearing in this matter. This time, the case appears on my docket because the lawyers involved refuse to cooperate with one another in basic matters such as noticing, scheduling and taking depositions. I am concerned that the attorneys involved in this case are engaging in gamesmanship during discovery with the thought that their conduct will escape judicial notice and censure if they do not stand before me during motion hearings.


For this reason, I expect every lawyer — whether admitted pro hac vice or local counsel — representing plaintiffs and Monsanto to personally appear for the hearing on plaintiffs' motion to compel, which will be held September 28, 2006 at 10:30 a.m. in Courtroom 10-South.

In addition, the lawyers actually involved in the scheduling the deposition(s) will be expected to address the issues raised in the motion to compel on the record as officers of this Court. No further

briefing of this issue is permitted, and no exceptions or extensions of time will be granted. If, upon reflection, the lawyers decide that they can resolve this issue without Court intervention, they should contact my office and the hearing will be cancelled. Otherwise,

IT IS HEREBY ORDERED that a hearing on plaintiffs' motion to compel will be held on September 28, 2006 at 10:30 a.m. in Courtroom 10-South.

IT IS FURTHER ORDERED that every lawyer of record currently representing plaintiffs and defendant Monsanto Company shall appear in person for the hearing.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 15th day of September, 2006.